

**IN THE UNITED STATE DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ACCURIDE ERIE, L.P.

Plaintiff/Counterclaim Defendant,

vs.

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE, AND
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, LOCAL
1186

Defendant/Counterclaim Plaintiff.

CASE NO. 05-CV-169 ERIE

JUDGE SEAN J. McLAUGHLIN

**MOTION TO SHOW CAUSE WHY
DEFENDANT ACCURIDE SHOULD
NOT BE HELD IN CONTEMPT, OR
IN THE ALTERNATIVE, TO
REMAND REMEDIAL ISSUES TO
ARBITRATOR CREO FOR
CLARIFICATION**

The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local Union 1186 (“UAW”) respectfully moves this Court to order Defendant Accuride Erie, L.P. (“Accuride”) to show cause why it should not be held in contempt for failing to comply with the “make whole” remedy in Arbitrator Creo’s Award. The UAW moves this Court to order Accuride to comply with Arbitrator Creo’s Award as confirmed by this Court and the Third Circuit by:

- (1) Enrolling Kaiser retirees who are active Accuride employees in Accuride's medical and life insurance plans;
- (2) Enrolling Kaiser retirees, who were active Accuride employees at the time of the Union's filing of the June 8, 2004 grievance and have subsequently retired, in Accuride's retiree medical and life insurance plans;
- (3) Reimbursing out-of-pocket expenses incurred by Kaiser retirees as a result of Accuride's breach of the collective bargaining agreement from June 1, 2004 until Accuride complies with Arbitrator Creo's make-whole remedy award, including expenses incurred by Kaiser retirees who are still active Accuride employees and those who have now retired from Accuride and are being

denied Accuride retiree benefits, regardless of whether those costs were incurred before or after their Accuride retirement date.

In the alternative, the UAW moves this Court to remand the case to Arbitrator Creo to clarify the “make whole” remedy Award.

An accompanying memorandum supports this motion.

Respectfully submitted,

**JOYCE GOLDSTEIN & ASSOCIATES
A LEGAL PROFESSIONAL ASSOCIATION**

/s/ Joyce Goldstein, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2008, a copy of the foregoing Plaintiffs’ Motion to Show Cause was filed electronically. Notice of this filing will be sent to all parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

/s/ Joyce Goldstein
Joyce Goldstein